



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,785	05/27/2004	John M. Tiesler	03955	3784
36547	7590	05/18/2006	EXAMINER	
BIR LAW, PLC 45094 MIDDLEBURY CT. CANTON, MI 48188-3215				DUNWIDDIE, MEGHAN K
		ART UNIT		PAPER NUMBER
		2875		

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/709,785	TIESLER, JOHN M.
	Examiner Meghan K. Dunwiddie	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17, 19 and 20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
 5) Claim(s) 11-16 is/are allowed.
 6) Claim(s) 1-3, 5-10, 17, 19 and 20 is/are rejected.
 7) Claim(s) 4 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 February 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the amendment filed on February 24, 2006 by **Tiesler**.

Response to Arguments

1. Applicant's arguments, see pages 10-13, filed February 24, 2006, with respect to the rejection(s) of claim(s) 1-5, 8-17, 19, and 20 under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **Kimura** (US 4600978), **Litke** et al. (US 6092917), and **Clayton** (US 2996608).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 6-10, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Kimura** (US 4600978).

4. In reference to Claim 1, **Kimura** shows:

- A bezel having at least one lamp housing aperture [Figure 1: (2 and 3)];

- A lamp housing having eccentrically positioned outwardly extending collinear pivot pins that allow the lamp housing to pivot from a retracted dome lighting position a plane generally parallel to the bezel, out of the plane to an extended reading light position [Figure 4: (3 and 4a)];
- A retainer for rotatably securing the lamp housing to the bezel so that the lamp housing can rotate about an axis generally normal to the bezel [Figure 4: (12 and 13)];
- And a switch operated by movement of the lamp housing between the retracted and extended positions [See column 4 lines 27-36 in reference to Figure 2: (9)].

5. In reference to Claim 2, **Kimura** shows:

- A manually operated switch to control illumination of a lamp within the lamp housing when the lamp housing is in the retracted position [See column 4 lines 27-36 in reference to Figure 2: (9)].

6. In reference to Claim 6, **Kimura** shows:

- The bezel includes a plurality of retaining members disposed about the aperture and wherein the retainer includes a flange that engages the plurality of retaining members [See Figure 4].

7. In reference to Claim 7, **Kimura** shows:

- The lamp housing includes a protrusion that extends between adjacent retaining members to limit rotation of the lamp housing [See Figure 4].

8. In reference to Claim 8, **Kimura** shows:

- The retainer includes a latching assembly to releasably hold the lamp housing in the retracted position [See column 3 lines 18-27 in reference to Figure 4].

9. In reference to Claim 9, **Kimura** shows:

- A spring positioned to exert a moment about the pivot pins to oppose movement from the extended to the retracted position [Figure 8: (19)].

10. In reference to Claim 10, **Kimura** shows:

- The housing includes a striker rib that actuates the switch when the housing assembly moves between the extended and retracted positions [See column 3 lines 4-17 in reference to Figure 5].

11. In reference to Claim 17, **Kimura** shows a dual function console lamp for a vehicle interior, the lamp comprising:

- A bezel defining a first plane [See Figure 1];
- A housing disposed within an aperture of the bezel and adapted to receive a lamp [Figure 1: (2) and Figure 6: (7)], the housing being pivotable about

a first axis to extend at an angle out of the first plane relative to the bezel to provide illumination to a first target area and to retract substantially flush with the bezel in the first plane to provide illumination to a second target area, the housing being rotatable within the first plane about a second axis [See Figure 6];

- And a switch operable by movement of the housing, wherein the switch provides power to the lamp when the housing is pivoted out of the first plane [See column 4 lines 27-36 in reference to Figure 2 (9)].

12. In reference to Claim 19, **Kimura** shows:

- A spring arranged to provide a force tending to move the housing out of the first plane [See column 4 lines 36-43 in reference to Figures 8 and 10: (19)].

13. In reference to Claim 20, **Kimura** shows:

- A latching mechanism operable to selectively hold the housing in the first plane against the force of the spring [See column 4 lines 36-43 in reference to Figures 8 and 10: (21)].

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kimura** (US 4600978) in view of **Litke et al.** (US 6092917).

16. Regarding Claim 3, **Kimura** shows:

- The lamp housing includes a lens portion, the lens portion being substantially flush or recessed relative to surrounding portions of the bezel when in the retracted position [Figure 6: (8)].

17. **Kimura** does not show:

- The lamp housing includes a reflector portion.

18. **Litke et al.** teaches:

- The lamp housing includes a reflector portion [Figure 2: (42)].

19. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the dual function console lamp of **Kimura** with a reflector as taught by **Litke et al.** for the purpose and advantage of directing the light from the lamp through the lens.

Art Unit: 2875

20. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kimura** (US 4600978) in view of **Litke et al.** (US 6092917) and **Clayton** (US 2996608).

21. **Kimura** shows:

- The lamp housing includes a lens portion [Figure 6: (8)]

22. **Kimura** does not show:

- The lamp housing includes a reflector portion.

23. **Litke et al.** teaches:

- The lamp housing includes a reflector portion [Figure 2: (42)].

24. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the dual function console lamp of **Kimura** with a reflector as taught by **Litke et al.** for the purpose and advantage of directing the light from the lamp through the lens.

25. **Kimura** and **Litke et al.** do not show:

- The lens portion having a protrusion to facilitate rotation of the lamp housing.

26. However, **Clayton** teaches:

- The lens portion having a protrusion to facilitate rotation of the lamp housing [See column 4 lines 5-7 in reference to Figure 4: (66)].

27. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the dual function console lamp of **Kimura** and **Litke et al.** with a protrusion on the lens portion as taught by **Clayton** for the purpose and advantage of aiding in grasping the lens.

Allowable Subject Matter

28. Claims 11-16 are allowed.

29. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571)272-2378. The

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen Husar
Stephen Husar
Primary Examiner

MKD

BEST AVAILABLE CO.

Friday, February 24, 2006 12:48 AM

Bir Law, PLC (734) 468-4257

p.15

101709785
101070785 - Replacement Sheet -

OK MWD 05/12/06

2/4

